

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Lieberman
PL-I
29371

FILE: B-216374

DATE: September 21, 1984

MATTER OF: Koba Associates, Inc.

DIGEST:

Selection of contractor for award under section 8(a) of the Small Business Act is within the discretion of the contracting agency and the Small Business Administration (SBA) and will not be questioned by GAO absent a showing of fraud or bad faith on the part of government officials or allegation that SBA regulations have been violated.

Koba Associates, Inc. (Koba), protests the Small Business Administration's (SBA) selection of any other firm for the award of a contract for logistical support services to the Department of Energy (DOE) under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1982). Koba alleges that it has satisfactorily provided these services to DOE under the predecessor contract No. DEAC01-82ER30033.

Section 8(a) of the Small Business Act authorizes SBA to enter into contracts with any government agency with procuring authority and to arrange for the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns. The contracting officer is authorized "in his discretion" to let contracts to SBA upon such terms and conditions as may be agreed upon by the procuring agency and SBA. In light of this discretion, our Office will not question the selection of an 8(a) contractor unless the protester either demonstrates fraud or bad faith on the part of government officials or alleges that applicable regulations have not been followed. Arawak Consulting Corp. 59 Comp. Gen. 522 (1980), 80-1 C.P.D. ¶ 404. Since Koba does not allege either basis here, we will not consider the protest.

We dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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